

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## ~ APPEALS ~

Friday, September 16, 2022  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

---

### MINUTES

---

Members present: Chairman Jordan Russell, Commissioner Megan Tilly, and Commissioner Scott Biggs.

Staff present to support the Commission: Alexander Watkins, WCC; Lindsey Christopher, WCC; and Monica Pack, WCC.

#### **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Russell stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER** ..... **Presiding Appellate Officer, Commissioner Tilly**

Call to order 9:00 a.m. by Commissioner Tilly, Presiding Appellate Officer.

**ROLL CALL** ..... **Presiding Appellate Officer, Commissioner Tilly**

After the roll call was taken, Commissioner Tilly announced the presence of a Quorum.

#### **A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of August 26, 2022, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeals Meeting of August 26, 2022, minutes.

**Second:** Commissioner Biggs

**Those Voting Aye:** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Darlene Brown v. Del Real Holdco LLC and Great American Alliance Insurance Co., File #CM3-2021-01857L**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Brandon J. Burton appeared for the Claimant and Barry Zlotogura appeared for the Respondent.

***Motion:*** After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

***Second:*** Chairman Russell

***Those Voting Aye:*** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**2. Eva Handle v. MITF, File #CM3F-2018-02950L**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. David P. Reid is the attorney of record for the Claimant and Stefan Wenzel is the attorney of record for the Respondent.

***STRICKEN***

**3. Joseph Beaty v. City of Tulsa (OWN RISK #10435), File #CM3-2020-06649L**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. David J. Frette appeared for the Claimant and Travis R. Colt appeared for the Respondent.

***Motion:*** After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

***Second:*** Commissioner Biggs

***Those Voting Aye:*** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

4. **Terry Oard v. Oklahoma Department of Public Safety and State of Oklahoma Consolidated WC Program, File #CM3-2019-01963X**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Michael R. Green appeared for the Claimant and Cynthia J. Braly appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

5. **Nancy Gonzalez-Rubio v. Pacific Painting Co. Inc. and Continental National Indemnity Co., File #CM3A-2019-04881X**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Milly Daniels appeared for the Claimant and Nicole S. Bryant appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to vacate and remand the decision of the Administrative Law Judge's Order and instructed the law clerk or other staff member to draft a proposed order with finding of facts and conclusions of law, to be considered for continued action at a future meeting.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER VACATED AND REMANDED**

6. **Blaine Travis v. Jet Tank Service LLC and Open Republic Ins. Co., File #CM3-2020-05482X**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Kathryn Black appeared for the Claimant and J. Nick Crews appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**7. Gary Stricklen v. MITF, File #CM3F-2021-06389H**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Darrel R. Paul appeared for the Claimant and Travis R. Colt appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**8. Robert Page v. City of Tulsa (OWN RISK #10435), File #CM3-2020-06114Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Micah Felton appeared for the Claimant and Cyrus Nathaniel Lawyer appeared record for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to take this case under advisement.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**9. Steven Hernandez v. McKesson Medical Surgical Inc. and Old Republic Insurance Co., File #CM3-2020-06327H**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Mitchell Allen appeared for the Claimant and Angela Odell Reinstein appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**C. Commission Consideration of Adoption of Final Orders in the Following Cases:**

**1. Julian Slater v. MITF, File #CM3F-2019-00356F**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Bob Burke appeared for the Claimant and Michael A. Fagan appeared for the Respondent.

This case came on for Oral Argument on May 20, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Chairman Russell moved to take preliminary action to affirm the decision of the Administrative Law Judge's Order and instructed the law clerk or other staff member to draft a proposed order with finding of facts and conclusions of law, to be considered for continued action at a future meeting.

*Motion:* Commissioner Biggs moved continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

**2. Raymond Miller v. La Quinta Inn, Global Core Stillwater LLC, and Employers Preferred Insurance Co. (FKA AMCOMP PREFERRED), File #CM3-2020-00616F**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Michael R. Green appeared for the Claimant and Kelley Bodell appeared for the Respondent.

This case came on for Oral Argument on May 20, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Biggs moved continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

**3. Wanda Gibby v. MITF, File #CM3F-2019-07638F**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. J. Kord Hammert appeared for the Claimant and Michael A. Fagan appeared for the Respondent.

This case came on for Oral Argument on May 20, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Biggs moved continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

**4. Joseph Handley v. Nationwide Fixture Installation Inc. and Hanover American Insurance Co., File #CM3-2019-00808J**

Both parties filed an appeal from the order issued by Administrative Law Judge Egan. Darrel Paul appeared for the Claimant and Rose M. Sloan appeared for the Respondent.

This case came on for Oral Argument on June 24, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commissioner Biggs moved to take preliminary action to affirm in-part, in regards to consequential injury, and remand in-part, in regards to intervening accident, and remand back for determination of medical treatment and instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

*Motion:* Commissioner Biggs moved continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

**5. Elias Solis v. MITF, File #CM3F-2019-07725A**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Daniel M. Davis appeared for the Claimant and Michael A. Fagan appeared for the Respondent.

This case came on for Oral Argument on August 26, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Biggs moved continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

**6. Norma Chavez v. Lopez Foods Inc. (OWN RISK), File #CM3A-2017-07276R**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. W. Wicker and James G. Devinney appeared for the Claimant. Norman Lemonik appeared for the Respondent.

This case came on for Oral Argument on August 26, 2022. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take preliminary action to affirm the decision of the Administrative Law Judge's Order and instructed the law clerk or other staff member to draft a proposed order with finding of facts and conclusions of law, to be considered for continued action at a future meeting.

*Motion:* Commissioner Biggs moved continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

### **ADJOURNMENT**

*Motion:* Chairman Russell moved to adjourn the meeting at approximately 3:05 p.m.

*Second:* Commissioner Biggs.

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**